

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PHH MORTGAGE CORPORATION,

Plaintiffs,

20 cv. 2561 (PKC)

-against-

ORDER

21 ASSET MANAGEMENT HOLDING  
LLC,

Defendant.

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CASTEL, U.S.D.J.:

The limited subject matter jurisdiction of a district court is best addressed at the outset of a case. It falls upon the court to raise issues of subject matter jurisdiction sua sponte.

Section 1332(a)(1) provides that “[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states.” 28 U.S.C. § 1332(a). An action premised upon diversity of citizenship in which a limited liability company or a limited partnership is a party must allege the citizenship of natural persons who are members of the limited liability company and limited partnership and the place of incorporation and principal place of business of any corporate entities that are members of the limited liability company and limited partnership. See Handelsman v. Bedford Village Associates Ltd. Partnership, 213 F.3d 48, 51-52 (2d Cir. 2000) (citing Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7th Cir. 1998)); Strother v. Harte, 171 F. Supp. 2d 203, 205 (S.D.N.Y. 2001) (“For purposes of diversity jurisdiction, a limited liability company has the citizenship of each of its members.”); Rule 8(a), Fed. R. Civ. P.

Plaintiff alleges that it is a corporation organized under the laws of New Jersey with its principal place of business in New Jersey. Defendant 21 Asset Management Holdings

LLC is a limited liability company and the citizenship of the members of the LLC is not alleged in the complaint.

Within 14 days of this Order, plaintiff may serve upon 21 Asset Management Holdings LLC an interrogatory limited to identifying the members of the LLC, the citizenship of all natural persons who are its members, and, if any corporation is a member, the jurisdiction under whose laws it is incorporated and the principal place of business. 21 Asset Management Holdings LLC shall have 14 days to respond to the interrogatory.

Within 45 days of this Order, the plaintiff shall amend its complaint to allege the citizenship of each of its own constituent members, as well as the citizenship of each member of the defendant limited liability company, or the action will be dismissed for lack of subject matter jurisdiction.

SO ORDERED.



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P. Kevin Castel  
United States District Judge

Dated: New York, New York  
March 26, 2020